

REMARKS

The Examiner is thanked for the thorough review and consideration of the present application. The non-final Office Action dated April 14, 2003 has been received and its contents carefully reviewed.

By this Response, claims 43 and 47 have been cancelled without prejudice or disclaimer of the subject matter recited therein. Claims 42, 44, 56 and 58 have been amended. Amendments to the claims are supported by the originally filed specification, for example, at page 9, lines 10-15 and FIG. 3B. Claims 42, 44-56 and 58-69 are pending. No new matter has been added. Reconsideration and withdrawal of the rejections in view of the above amendments and the following remarks are requested.

In the Office Action, claims 42-69 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-41 of U.S. Patent No. 6,281,957 in view of U.S. Patent No. 6,040,886, issued to Ota et al ("Ota"). Applicants respectfully elect not to file a terminal disclaimer at this time to permit the Examiner to reconsider the rejection in view of the amendments to the claims.

In the Office Action, claims 42-52, 54-55, 56-66 and 68-69 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,852,485, issued to Shimada et al. (hereafter "Shimada") in view of U.S. Patent No. 6,040,886, issued to Ota et al. (hereafter "Ota"). Additionally, claims 53 and 67 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimada and Ota and further in view of U.S. Patent No. 5,929,958, issued to Ohta et al. (hereafter "Ohta"). Claims 43 and 57 have been cancelled. Thus, the rejection, as applied to these cancelled claims, is rendered moot.

Applicants respectfully traverse the rejections because neither Shimada, Ota nor Ohta, analyzed alone or in any combination, teach or suggest all the combined features recited in the claims of the present invention. In particular, Shimada, Ota and Ohta fail to teach or suggest an in-plane switching liquid crystal display device that includes, among other features, "a passivation layer formed substantially on the common line and thin film transistors", as recited in

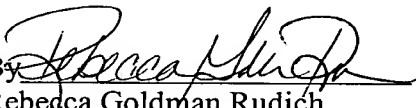
independent claim 42; and a method of forming an in-plane switching liquid crystal display device that includes, among other features, "forming a passivation layer substantially on the common line and thin film transistors", as recited in independent claim 56.

Since neither Shimada, Ota nor Ohta, analyzed alone or in combination, teach or suggest the above features of claims 42 and 56, no combination of these applied references would provide a device and method having all the features recited in the claims of the present application. As such, Applicants respectfully submit independent claim 42 and its rejected dependent claims 44-55 and independent claim 56 and its rejected dependent claims 58-69 are patentable over Shimada, Ota and Ohta. Reconsideration and withdrawal of the rejection of claims 42-69 are requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

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Respectfully submitted,

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